

Amendment No. 1 to SB0624

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 624

House Bill No. 430*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A person under twenty-four (24) years of age for the limited purpose of remaining under the jurisdiction of the juvenile court while serving a sentence as a serious youthful offender pursuant to § 37-1-131(a)(9);

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a), is amended by adding the following new subdivision:

(9)

(A) The court may classify a child sixteen (16) years of age or older as a serious youthful offender if the child is adjudicated delinquent for:

(i) An act that would be a Class A felony if committed by an adult;

(ii) An act that would be a Class B felony if committed by an adult

and the child has two (2) or more previous adjudications of delinquency

for acts that would be Class A, B, or C felonies if committed by an adult;

or

(iii) An act that would be a Class C felony if committed by an adult

and the child has three (3) or more previous adjudications of delinquency

for acts that would be Class A, B, or C felonies if committed by an adult;

(B) The court may impose any of the dispositions set forth in this section upon a juvenile classified as a serious youthful offender, including, but not limited to, a determinate commitment to the custody of the department of children's services that lasts until the serious youthful offender's nineteenth birthday. If the court imposes a determinate commitment for the serious youthful offender, then the time credits set forth in § 37-1-137(h) do not apply to shorten the time of a serious youthful offender's determinate commitment imposed pursuant to this subdivision (a)(9);

(C) The court may impose an additional sentence to be served after the serious youthful offender turns nineteen (19) years of age, which ends on or before the offender's twenty-fourth birthday. If imposed, the additional sentence beyond the serious youthful offender's nineteenth birthday must extend for at least:

(i) Four (4) years if the child is adjudicated delinquent for an act that would be a Class A felony if committed by an adult;

(ii) Three (3) years if the child is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or

(iii) One (1) year if the child is adjudicated delinquent for an act that would be a Class C felony if committed by an adult;

(D) The court has the authority to set aside the additional sentence imposed pursuant to subdivision (a)(9)(C). The court shall conduct a hearing within four (4) months of the serious youthful offender's nineteenth birthday to review the offender's circumstances and determine whether the additional sentence should be set aside. In making this determination, the court shall consider whether the serious youthful offender has:

(i) Committed another delinquent act;

(ii) Engaged in other conduct that creates a substantial safety risk;

(iii) Failed to meet the conditions of supervision during the determinate disposition prior to the hearing;

(iv) Attended school regularly with passing grades or graduated from high school;

(v) Obtained regular employment, if the offender has graduated from high school; and

(vi) Become involved in activities that are beneficial to the community;

(E) If the court imposes an additional sentence beyond a serious youthful offender's nineteenth birthday, then the court shall enter an order on or before the offender's nineteenth birthday committing the offender to the custody of the department of correction to serve the additional sentence imposed by the juvenile court. Under no circumstances shall the serious youthful offender remain in the custody of the department of children's services beyond the offender's nineteenth birthday; and

(F) The court shall make or cause to be made an audio recording of a hearing conducted pursuant to this subdivision (a)(9). The recording must include all proceedings in open court and such other proceedings as the judge may direct and must be preserved as part of the record of the hearing.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to acts committed on or after that date.